

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

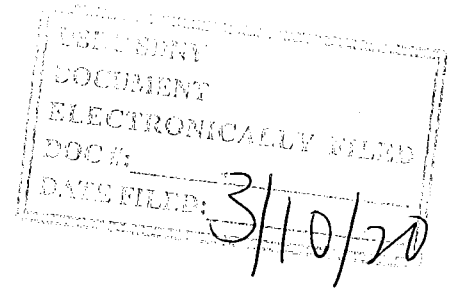
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CHRISTOPHER M. MONGIELLO,  
Plaintiff,

v.

CAPITAL ONE BANK (USA), N.A.,  
Defendant.  
-----X

**ORDER**

20 CV 549 (VB)



On January 21, 2020, plaintiff Christopher M. Mongiello commenced the instant action against defendant Capital One Bank (USA), N.A. (Doc. #1).

On February 14, 2020, plaintiff docketed a proof of service indicating service on defendant on February 12, 2020. (Doc. #5). Defendant had until March 4, 2020, to respond to the complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

To date, defendant has not answered, moved, or otherwise responded to the complaint.

Accordingly, provided that defendant remains in default, plaintiff is ORDERED to seek a certificate of default as to defendant by March 24, 2020, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant by April 7, 2020. **If plaintiff fails to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).**

Dated: March 10, 2020  
White Plains, NY

SO ORDERED:

Vincent L. Briccetti  
United States District Judge